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100TH CONGRESS
2d Session

SENATE

REPORT
100-295

82ND AIRBORNE DIVISION ASSOCIATION, INCORPORATED

MARCH 2, 1988.—Ordered to be printed

Mr. BYRD for Mr. BIDEN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 840]

The Committee on the Judiciary, to which was referred the bill (S. 840) to recognize the organization known as the 82nd Airborne Division Association, Incorporated, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE

The bill, S. 840, would grant a Federal charter to the organization known as the 82nd Airborne Division Association, Incorporated.

II. LEGISLATIVE HISTORY

S. 840, a bill to recognize the organization known as the 82nd Airborne Division Association, as introduced by Senator Strom Thurmond, was read twice and referred to the Committee on the Judiciary on March 25, 1987. On December 3, 1987, it was ordered to be reported favorably without amendment to the floor.

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III. Discussion

The 82nd Infantry Division, which the association commemorates, was initiated in 1917 to serve in World War I. The division was nicknamed the "All American Division" due to the geographical diversity among its members.

The division was reactivated on March 25, 1942, to serve in World War II. It was chosen to become the Army's first airborne division. The division was deployed in North Africa in 1943 in preparation for parachute and glider assaults. It participated in the airdrop on Holland during the Battle of the Bulge. The division served in Korea, the Dominican Republic, Vietnam, and Grenada with distinction.

The association was incorporated in the State of Illinois on March 25, 1946, while the division was in England preparing for the Normandy invasion. It was enlarged during the division's engagement as *America's Guard of Honor* in Berlin, Germany, in 1945.

The association fosters patriotism and fraternity among present and former military paratroopers, all of whom are eligible for membership in the organization. Originally, the purpose of the association was to create an educational fund to assist the children of members killed in action and to assist association members themselves. The association coordinates and assists 56 chapters throughout the Nation. The association also contributes to the active Division War Memorial Museum in Fort Bragg, North Carolina.

IV. Committee Vote

On December 3, 1988, with a quorum present, by voice vote and without objection heard, the Committee on the Judiciary ordered the bill favorably reported.

V. Text of Bill

[S. 840, 100th CONG., 2d Sess.]

A BILL To recognize the organization known as the 82nd Airborne Division Association, Incorporated

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

Section 1. The 82nd Airborne Division Association, Incorporated, a nonprofit corporation organized under the laws of the State of Illinois, is recognized as such and is granted a Federal charter.

POWERS

Sec. 2. The 82nd Airborne Division Association, Incorporated (hereinafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include—

(1) perpetuating the memory of members of the 82nd Airborne Division who fought and died for our Nation,

(2) furthering the common bond between retired and active members of the 82nd Airborne Division,

(3) providing educational assistance in the form of college scholarships and grants to the qualified children of current and former members,

(4) promoting civic and patriotic activities, and

(5) promoting the indispensable role of airborne defense in our national security.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the State or States in which it is incorporated and the State or States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. (a) Subject to subsection (b), eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the constitution and bylaws of the corporation.

(b) Terms of membership and requirements for holding office within the corporation shall not discriminate on the basis of race, color, national origin, sex, religion, or handicapped status.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(73) 82nd Airborne Division Association, Incorporated.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND, ALTER, OR REPEAL CHARTER

SEC. 13. The right to amend, alter, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Com-

monwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

VI. CBO COST ESTIMATE

In compliance with paragraph 11(a), rule XXVI of the Standing Rules of the Senate, the committee estimates that enactment of this legislation will involve no direct additional expenditure to the Government. The committee notes the following letter from the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 7, 1987.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 840, a bill to recognize the organization known as the 82nd Airborne Division Association, Incorporated, as ordered reported by the Senate Committee on the Judiciary, December 3, 1987. CBO estimates that no cost to the federal government or to state or local governments would result from enactment of this bill.

The 82nd Airborne Division Association, Incorporated is a nonprofit corporation presently organized under the laws of the State of Illinois. S. 840 grants the corporation a federal charter and recognizes its tax-exempt status. The corporation will continue to operate pursuant to its articles of incorporation filed in the state and the constitution and bylaws of the corporation. The bill places restrictions on some activities of the corporation, provides for annual audits of its accounts by independent certified or licensed public accountants, and requires an annual report to be submitted to the Congress.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH, *Acting Director.*

VII. REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b), rule XXVI of the Standing Rules of the Senate, the committee has concluded that this legislation does not create any new regulations with which the public must comply.

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